IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

CONTEMPT PETITION NO.10 OF 2004

Mr.Sanjay Janardhan Patil ..Petitioner

Vs.

Mr.Murlidhar Gangadhar Patil
and Ors. ..Respondents

....

Mr.Prafulla B.Shah for Petitioner
Mrs.Gauri Jadhav for Respondent nos.1 and 2
Mrs.Geeta Mulekar AGP for Respondent no.3

....

CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 11,2005

P.C.:

1. Heard Mr.Shah, the learned counsel for the petitioner and Mrs.Gauri Jadhav for the respondent nos.1 and 2.

2. It is evident from the affidavit in reply filed by the Assistant Charity Commissioner, Thane Region that the alleged acts amounting to breach of orders passed by the authorities below have been taken note of and criminal case bearing No. 610 of 2003 has already been registered in the Court of learned Judicial Magistrate F.C. at Yeola for offences punishable under Section 37 r.w. Sections 66 and 67 of the Bombay Public Trust Act, 1950 and the said case is still pending. When the proceedings for

prosecution have already been initiated under a special Statute, cognizance for the alleged contempt cannot be taken again to punish the alleged contemnors. Therefore, Contempt Petition is disposed of as infructuous.

[B.H.MARLAPALLE,J.]